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April 26, 2012

Scott McInerney, Special Agent Supervisor  
Florida Department of Law Enforcement  
Office of Executive Investigations  
Professional Standards Section  
2331 Philips Road  
Tallahassee, FL 32308

VIA Email: [ScottMcInerney@fdle.state.fl.us](mailto:ScottMcInerney@fdle.state.fl.us)

Dear Mr. McInerney:

Please use this as my formal complaint against FDLE Agent Rusty Rodgers regarding the inappropriate manner in which he investigated a suicide case that my son, Deputy Jeremy Banks with the St. Johns County Sheriff's office, my wife, and myself, a Police Officer, were questioned.

On or about January or February 2011 an investigation was started by FDLE into the suicide of Michelle O'Connell that occurred on September 2, 2010 in St. Augustine, Florida. The investigation was started after Deputy Jeremy Banks, who was present at the residence where Ms. O'Connell killed herself with his departmental firearm, was cleared of any involvement by the St. Johns County Sheriff's Office. The main reason for the additional investigation was to appease the O'Connell Family who continues to this day to blame Jeremy for her death.

From the start it was obvious that FDLE Agent Rusty Rodgers focus was to turn the investigation into a homicide, without regard of any evidence. It is also known that both Agent Rodgers and Supervisor Mark Brutnell have ties to the St. Johns County Sheriff's Office and should have recused themselves from the case. Agent Rodgers is reportedly good friends with the Undersheriff and Mr. Brutnell's wife is a head administrator at the St. Johns County Sheriff's Office, a clear conflict.

Agent Rodgers subpoenaed my wife and me with State Attorney Investigative Subpoenas. Agent Brutnell served both to me at my place of work in Jacksonville, in a totally different circuit than St. Johns County. Upon setting a date to come in and speak, it was discovered at our arrival that the State Attorney was not present; only Agent Rodgers and his supervisor Agent Brutnell were present. Their intent was to depose my wife and I without the State Attorney present, which is a violation of procedural law. My wife and I had taken off work to be present for a deposition that was not only improper, but also illegal. My attorney strongly encouraged Agent Rodgers to call the State Attorney's Office to confirm that they indeed were acting inappropriately. After a loud disagreement by Agent

Rodgers, which was audible from the outside room where my wife and I sat, we made other arrangements to be subpoenaed properly and legally with the State Attorney or their representative present. When the meeting did take place (late May, 2011), I was basically asked one question by Agent Rodgers, which was "Tell me everything you know about this case." While I gave him a general synopsis of what I could testify from what my son had told me (hearsay evidence), it was brief. By then I had talked to many people about the case and my memory had been convoluted by many opinions and statements and at this point it had been nearly 9 months since the suicide. Agent Rodgers never asked me any other questions other than if I had anything else to add. I could not believe that he had subpoenaed my wife and me for absolutely nothing. This definitely seemed like another attempt by Agent Rodgers to exert pressure and harass us. He basically had no real questions and no real reason to subpoena us. In fact, the Assistant State Attorney with St. Johns County, Mark Johnson, apologized to our attorney and Jeremy for Agent Rodgers behavior following my son's interview. It must also be noted that while my wife and I were given immunity, it was made very clear to our attorney by Agent Rodgers that if they thought we were lying in any way, we would be arrested. To be clear, our only contact with Jeremy on the day of the suicide was when we were called to the scene by St. Johns County personnel.

While interviewing my wife, Marsha Dixon, he asked her the same irrelevant question, but at the end of the interview told her "I know that this is a tough situation, you probably don't trust me - I wouldn't trust me either".

For your information, please find attached letter from our attorney to St. Johns County SAO and FDLE Supervisor regarding Agent Rodgers behavior.

On November 11, 2011, while at work, I was eating at Bono's Barbeque at Jammes Rd and 103<sup>rd</sup> Street when Agent Rodgers walked in. I was there along with several co-workers. My marked patrol car with my name visibly on the driver's door could be clearly seen from the road. Agent Rodgers walked in and made purposeful eye contact with me (while I was in full uniform) and sat down. I felt at the time that this was an intimidation tactic on Agent Rodgers part. He could have left at any time when seeing me, but clearly chose to stay and may have even been following me.

On a number of occasions, once in November and once in December 2011, my son rode with me on patrol as a citizen ride-along. All the proper paperwork had been filed and a background check (as required by department policy) was done on FCIC/NCIC. My supervisor was also aware of the ride-along. On the December 21, 2011 ride-along, I received a call from Officer Joe Farhat (fellow Officer) stating that Agent Rodgers had called him and asked that he pass on a message to me that I call him before "I got into serious trouble". He tried to give me Agent Rodgers cell number, but I refused it. I told Officer Farhat to tell Agent Rodgers to call my attorney if he wanted to speak with me. After approximately five minutes I received another call from Officer Farhat urging me to call Agent Rodgers, again with the threat from Agent Rodgers "before I got into trouble". After informing my supervisor, and with another officer listening to my end of the conversation, I called Agent Rodgers. Agent Rodgers informed me that he had my son's name flagged in the system and accused me of running my son's name improperly. Keep in mind that during this entire process my son had never been asked to surrender his badge or departmental weapons and was never charged. St. Johns County SAO had

already at this time passed on pursuing the case further due to lack of any P.C. Agent Rodgers rudely told me that I was about to get into serious trouble for using the FCIC/NCIC system improperly. I informed him that my son was riding with me and that my supervisor was aware of it. I also pointed out that he should already know that a background check was part of agency protocol, as a former officer. He would not let me speak - he kept talking over me to *let him talk*.

It should also be mentioned that in May 2011, my family, including my son, took a cruise out of the country. FDLE and the SAO were told by our counsel where we were going and how long we would be gone, so the fact that Jeremy Banks was on a high-risk watch list was once again a total abuse of Agent Rodgers powers. Also, why did Agent Rodgers not just telephone my department and ask dispatch to send a message to me to call him? Why, because he knew it was improper - he wanted it to look like I was calling him and he was not initiating contact. His objective from the start was to tarnish Jeremy and my family's reputation, all with improper actions.

Now that my son has been rightfully **CLEARED of any wrongful conduct**, he will have to work many years to rebuild his reputation that Agent Rodgers so carelessly and maliciously destroyed. This is a huge burden for anyone, but for someone at age 24, it is even more daunting. This especially when he was told by one of his squad supervisors that after his interview with Agent Rodgers he knew that Jeremy had not committed the crime he was being accused of, but he would probably serve prison time for it. We now know that he arrived at this conclusion due to false facts he was given by Agent Rodgers. Also, it was clear that Agent Rodgers was using this squad leader to appeal to Jeremy on behalf of their friendship to go back in to discuss the case with him, even though Agent Rodgers had been told by Jeremy on numerous occasions that he would not talk to him without his attorney. Additionally, Agent Rodgers never, at any time, had my son sign, or even read him his Miranda Warnings, yet he repeatedly told my son and others he would be arrested in a week for *first-degree* murder. This is a clear violation of my son's rights.

I am a 23 year Law Enforcement Officer. I have never been the subject of an internal affairs complaint in my entire career, while still being a very active officer and a leader in arrests. In my career I have seen all kinds of officers and have been exposed to many different types of investigations and have arrested suspects for all kinds of violations. I have also never filed a complaint on any other LEO in my 23 years. I must say that I have never witnessed this kind of heavy-handed, Cowboy like, or even Rogue, mentality in Law Enforcement. I can honestly tell you that up until now I would have never believed such actions would be tolerated or allowed. I know Agent Rodgers has violated my son's Rights, expressively given to citizens under the United States Constitution (Reference Illegal Search and Seizure and Protected Right to Counsel). I also question whether Agent Rodgers, under the direct supervision of his supervisor Mark Brutnell, had ANY probable cause or credible evidence to proceed with search warrants. He had absolutely no probable cause to base any of his decisions – instead he based them all on innuendo and theory (or sadly, to Jeremy's detriment, who himself is a victim, by the misguidance of an irrational family that is convinced of an ongoing conspiracy theory).

A clear example of Agent Rodgers pursuit of mythical evidence while ignoring real facts is that he had to be told by our counsel (in June, nearly 4 to 5 months into his investigation) that Ms. O'Connell had

attempted suicide before, a very basic fact which is usually a cornerstone fact in any competent investigation involving a suicide. These words were from her Mother's mouth to the Funeral Director (Cherre Jo Kidd) when she was preparing for her funeral. Agent Rodgers then interviewed her shortly thereafter. Agent Rodgers talked to at least 20 people at the St. Johns County Sheriff's Office that were fellow Deputies and work personnel, of which most were not present at the scene or associated with the case. In almost all instances, Agent Rodgers asked questions like "Do you think he did it?", "Do you think Jeremy is capable of this" and ending with "I will have a Grand Jury convened in a week and have him arrested for first-degree murder". These questions and statements have no place in what is supposed to be a factual investigation. What, in actuality, Agent Rodgers has done is smear Jeremy's name and reputation, as well as mine. He manufactured evidence, tried to exclude valid evidence, and violated Constitutional Rights.

Additionally, information from the case has suspiciously been filtered down to the O'Connell family, as noted within the following blog. Please view attached link to see numerous references that appear to be investigative information which started on or about March 2011: <http://behindthebluewall.blogspot.com/2010/09/fl-its-that-simple-anonymous-deputy.html> . I consider this site to be a direct threat to my son, a Law Enforcement Officer. There are direct references calling him a murderer or killer, along with numerous pictures of him, including ones in uniform. It appears that this was done to place my son in danger and affectively accelerate and elevate emotions. It is sensationalism at its very worst, which I believe wholeheartedly has been fueled by Agent Rodgers. It is also important to know that Jeremy was directed by senior superiors at the SJCSO to keep his firearm on his body at all times, as a precautionary measure, as they too agreed that there is an imminent threat. My wife and I were both present when Jeremy was given this order.

Finally, this case, and my son's reputation, was carelessly and willfully controlled by someone with NO homicide investigative experience. My question is WHY was Agent Rodgers given such unlimited power over an area in which he is so clearly unskilled. This surely is not the kind of investigative work done by a competent investigator and, quite frankly, not the kind of work I would expect from an organization that is tasked with reviewing and overseeing every other Law Enforcement Department and Officer's actions in the State of Florida.

Ocala State Attorney's Office provided a "Factual Summary" of this case on March 12, 2012. Please carefully and objectively review it, as I know it has been placed in the case file. Further questions/complaints will follow.

Your prompt reply to herewith said complaint will be greatly appreciated.

Sincerely,



Lawrence S. Dixon